



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2009 Biennium

Bill #	HB0466	Title:	Revise criminal accountability
Primary Sponsor:	Jore, Rick	Status:	As Introduced

- | | | |
|---|--|--|
| <input type="checkbox"/> Significant Local Gov Impact | <input checked="" type="checkbox"/> Needs to be included in HB 2 | <input type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

FISCAL SUMMARY

	<u>FY 2008 Difference</u>	<u>FY 2009 Difference</u>	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>
Expenditures:				
General Fund	\$96,390	\$128,520	\$128,520	\$128,520
Revenue:				
General Fund	\$2,531	\$3,375	\$3,375	\$3,375
Net Impact-General Fund Balance	<u>(\$93,859)</u>	<u>(\$125,145)</u>	<u>(\$125,145)</u>	<u>(\$125,145)</u>

Description of Fiscal Impact:

This bill would extend accountability for the crimes of vehicular homicide and negligent vehicular assault to passengers in the car that caused the accident, unless the passenger files a timely report of the accident. Impact on the general fund is due to increased prisoner per diem costs.

FISCAL ANALYSIS

Assumptions:

Department of Justice (DOJ) – Montana Highway Patrol (MHP)

1. There were 35 persons charged for misdemeanor vehicular assault and 22 persons charged for felony vehicular assault in Montana in 2006. The MHP charged 11 persons for negligent or vehicular homicide in 2006.
2. The MHP is responsible for at least half of all traffic investigations and case filings in Montana.
3. The assumption is that half of the situations that involve the MHP will involve more than one person, who will be affected as stated in the bill.
4. Therefore, the MHP anticipates charging nine (35 x ½ MHP responsibility x ½ would involve 2nd party) people with misdemeanors and six (22 x ½ MHP responsibility x ½ half would involve 2nd party) with felonies per year should this measure pass.

5. Fines for the misdemeanors are expected to average \$750 per charge. Half of the fine collected goes to the state general fund, and half goes to the county in which the charge is filed. The general fund will see a benefit of \$375 per misdemeanor citation should the person be convicted, total benefit would be \$3,375.
6. For felony violations of this statute, the MHP assumes that the judges will assess jail time in lieu of fines.
7. On the misdemeanor charges, the MHP assumes that the persons convicted will spend 90 days in the county jail at an average of \$68.00 per day, for a negative impact to the general fund of \$55,080 per year (\$68 per day * 9 people * 90 days).
8. On the felony charges, the MHP assumes that the persons convicted will spend 6 months in the county jail from the time of arrest to the time they are transferred to the custody of the Department of Corrections or some other kind of penalty is levied upon them. This will be at an average rate of \$68.00 per day. Total negative impact to the general fund under this assumption would be \$73,440 per year (\$68 per day * 6 people * 180 days). Jail time would vary, and could be anywhere from 3 months (\$36,720/yr.), 6 months (\$73,440/yr.), 9 months (\$110,160/yr.) to a year (\$148,920).
9. None of the assumptions include any unexpected medical costs that prisoners may incur while the responsibility of the MHP in county jail, nor are potential future negotiated increases in prisoner per diem included.
10. These assumptions do not include anyone being held non-accountable for timely reporting.
11. First year figures are based on an October 1, 2007 effective date.

Department of Corrections

12. The department is unable to determine if any of the persons convicted of these new crimes would be sentenced to prison, and if so for how long.
13. For information purposes, the general fund cost for the incarceration of a male inmate is approximately \$27,696 per year and the cost of incarceration of a female inmate is approximately \$29,178 per year. The cost would be slightly lower if convicted felons were placed on Intensive Supervision at approximately \$2,789 per year and probation would be approximately \$1,464 per year.

	<u>FY 2008 Difference</u>	<u>FY 2009 Difference</u>	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>
<u>Fiscal Impact:</u>				
<u>Expenditures:</u>				
Operating Expenses	\$96,390	\$128,520	\$128,520	\$128,520
<u>Funding of Expenditures:</u>				
General Fund (01)	\$96,390	\$128,520	\$128,520	\$128,520
<u>Revenues:</u>				
General Fund (01)	\$2,531	\$3,375	\$3,375	\$3,375
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>				
General Fund (01)	(\$93,859)	(\$125,145)	(\$125,145)	(\$125,145)

Effect on County or Other Local Revenues or Expenditures:

1. Local Governments would also see added expenditures due to increased jail population.

*Sponsor's Initials*_____
*Date*_____
*Budget Director's Initials*_____
Date